

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NINOTCHKA MANUS,

Plaintiff,

-against-

MAX PINCIONE,

Defendant.

23-CV-6149 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

Before the Court are (1) Plaintiff's motion for leave to file an amended complaint; (2) Plaintiff's motion for attorneys' fees stemming from the Court's recent sanctions order (ECF No. 118); and (3) Plaintiff's motion to seal documents submitted in connection with the fees motion. ECF Nos. 120, 122, 130. The Court addresses and resolves each of these motions below.

First, the Court grants Plaintiff's request for leave to file an amended complaint, given, among other things, Defendant does not oppose the motion. Plaintiff shall file the amended complaint no later than **April 14, 2025**.

Second, the Court has reviewed Plaintiff's motion for attorney's fees and Defendant's opposition. ECF Nos. 122, 123, 125, 129. Mr. Reich explains that he reduced his usual rate of \$575 per hour to \$350 per hour and charged that rate to Plaintiff in connection with the motions relevant to the Court's prior sanctions order. ECF No. 123 ¶ 5; ECF No. 123-2. The only dispute between the parties is which of these rates should apply. The purpose of the Court's sanction was to compensate Plaintiff for the fees and costs actually expended in litigating the various motions at issue. As such, and solely for purposes of this Order, the Court relies on the rate Plaintiff's counsel actually charged his client. As such, the Court applies the \$350 per hour rate, and Defendant is ordered to pay to Plaintiff **within 30 days** a total of **\$24,680.58**. Plaintiff's letter

motion to seal documents submitted in connection with the fees motion (ECF No. 130) is also granted.

Finally, in light of the forthcoming amended complaint and the Defendant's submissions regarding the timing of expert discovery, the parties are ORDERED to confer and discuss whether a revised case management plan is necessary. The parties shall submit a joint letter confirming no such revision is necessary, or otherwise submit a proposed revised case management plan for the Court's review, by **April 21, 2025**.

The Court of Clerk is respectfully directed to terminate ECF Nos. 120, 122, and 130, and to place ECF No. 131 under seal, restricting access to only court personnel and the parties.

Dated: April 11, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive style and is positioned above a horizontal line.

JESSICA G. L. CLARKE
United States District Judge